

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JILL DERAINE,

Plaintiff,

vs.

Case No. 05-CV-70935
HON. GEORGE CARAM STEEH

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

_____ /

ORDER ACCEPTING REPORT AND RECOMMENDATION;
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (# 12);
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (# 11), AND;
DISMISSING PLAINTIFF'S CLAIMS

This matter is before the court on the parties' cross-motions for summary judgment as to plaintiff Jill Derain's claim for judicial review of defendant Commissioner of Social Security's denial of her December 6, 2001 application for disability insurance benefits. The matter was referred to Magistrate Judge Wallace Capel, Jr.. On January 20, 2006, Magistrate Judge Capel issued a 20-page Report and Recommendation recommending that defendant's motion for summary judgment be granted, that plaintiff's motion for summary judgment be denied, and that judgment enter in favor of defendant Commissioner. Plaintiff has not filed timely objections to the Report and Recommendation. See 28 U.S.C. § 636(b)(1); E.D. Mich. L.R. 72.1(d)(2).

Having reviewed the record and Report and Recommendation, and in the absence of timely objections, the court hereby ACCEPTS Magistrate Judge Capel's well reasoned January 24, 2006 Report and Recommendation as its own. Plaintiff's motion for summary

judgment is hereby DENIED. Defendant's motion for summary judgment is hereby GRANTED. Plaintiff Jill Derain's claim is hereby DISMISSED with prejudice.

SO ORDERED.

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: February 15, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on February 15, 2006, by electronic and/or ordinary mail.

s/Josephine Chaffee
Secretary/Deputy Clerk